

HEALTHCARE AG. A statement by an attorney of record, evidencing common ownership, is transmitted herewith.

In view of the above, Applicants submit that Gielen is not prior art under 35 U.S.C. §102(e), and respectfully request that the rejection of claims 4, 5, 14, and 21 under 35 U.S.C. §103(a) be withdrawn.

2. Rejection of Claims 4, 5, 14, and 21 for non-statutory obviousness-type double patenting over claims 1, 2, 5-10, 12, 13, and 15-17 of U.S. Patent No. 7,230,017

Applicants traverse this rejection by submitting a terminal disclaimer, herewith, disclaiming the terminal portion of the term of the present patent to be granted, which extends beyond that of US Patent No. 7,230,017. Applicants respectfully request that the rejection of claims 4, 5, 14, and 21 for obviousness-type double-patenting be withdrawn.

For reasons provided above, Applicants submit that all the present pending claims (i.e. claims 4, 5, 14, and 21) are in condition for allowance, and issuance of the claims is requested. The Examiner is invited to contact the undersigned at the telephone number given below, should she wish to discuss the present amendments or suggest changes to the claims that could expedite prosecution.

Respectfully submitted,

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